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EXAMINER

NGUYEN, QUYNH H

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PAPER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/652,540
Filing Date: August 31, 2000
Appellant(s): GRUCHALA, CAROL

Scott W. Brim
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/14/07 appealing from the Office action mailed 11/14/06 and Notice of Panel Decision from Pre-Appeal Brief Review mailed 3/23/07.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

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The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,879,676	CONTRACTOR	4-2005
5,953,401	CAVENEY	9-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Contractor (U.S. Patent 6,879,676) in view of Caveney (U.S. Patent 5,953,401).

Regarding claim 1, Contractor teaches a method of providing a telecommunication service, the method comprising: providing a menu to a caller in a telephone call (col. 5, lines 54-55; col. 6, lines 45-46; col. 7, lines 37-39), the menu providing a plurality of destination options including a first destination option for a family of car dealerships, a second destination option for a first member (*first dealership*) of the family at a first location other than the resident (*main telephone number for all of the*

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dealerships), and a third destination option for a second member (*second dealership*) of the family at a second location other than the resident (*main telephone number for all of the dealerships*) (col. 5, lines 39-58; col. 6, lines 43-48; col. 7, lines 31-44); receiving from the caller, a first selection of one of the destination options in the telephone call at a switch located within a public switched telephone network (col. 5, lines 59-61; Fig. 2a); using a service control point coupled to the switch to route the telephone call to a first telephone number corresponding to the first selection (col. 6, lines 2-25; col. 6, line 61 through col. 7, line 3).

However, Contractor does not teach detecting an originating dual-tone multi-frequency (DTMF) trigger in the telephone call; interrupting the telephone call to the first telephone number; receiving a second selection of one of the destination options in the telephone call; and routing the telephone call to a second telephone number corresponding to the second selection.

Caveney teaches detecting a DTMF trigger in the telephone call after the detecting; receiving a second selection of one of the destination options and routing the telephone call to the desired selection (col. 4, lines 29-34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Caveney into the teachings of Contractor thus having a flexible and sufficient system by allowing the caller upon completion of his discussion with a particular extension or upon receiving a busy signal to be able to dial another extension without losing the line. For example, the caller

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would have a chance to interrupt the telephone call to the first telephone number and select another destination without having to hang up and re-dial the number again.

Regarding claims 2, 6, and 10, Contractor teaches a fourth destination option (col. 5, line 57 - *press 3 for BMW dealership*) for the first member of the family of car dealerships at a third location other than the telephone number of all dealerships (col. 5, lines 39-46), the first location (Ford dealership), and the second location (Toyota dealership).

Regarding claims 3, 7, and 11, Contractor does not teach the second destination option is for a mobile telephone. It would have been obvious to one of ordinary skill in the art at the time the invention was made the second destination, the Ford dealership, or at least one of the sales person would own a mobile telephone, hence the second destination option is a mobile telephone.

Regarding claims 4, 8, and 12, Caveney teaches after detecting the caller dial an asterisk, the process begins over again (col. 4, lines 29-34). However, Contractor and Caveney do not explicitly teach providing at least a portion of the menu in the telephone call after the detecting an originating DTMF trigger in the telephone call. Providing a portion of the menu in the telephone call after detecting an originating DTMF trigger in the telephone call is well known and the advantage of using it is also well known. For example, when a caller dials a number and a phone rings with no answer, the caller invokes a DTMF trigger, i.e. presses #, then the caller would be connected to a VRU that plays greeting and menu options for the caller again or goes back to the main menu without having to hang up the phone and dial again.

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Claim 5 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Contractor teaches service control point (SCPs 24, 34) accessible by the telephone network (Figs. 2a, 3a).

Claim 9 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Contractor teaches a computer readable medium having computer readable data (col. 2, lines 31-44; col. 3, lines 31-51).

Regarding claim 13, Contractor teaches receiving a personal identification number in the telephone call (col. 4, lines 18-31).

Regarding claim 14, Contractor teaches the telephone call is initially placed to a toll-free number (col. 8, lines 7-10; col. 6, lines 43-45 - *where Contractor discussed the "311" telephone number is a toll-free number*).

Regarding claims 15-17, Contractor and Caveney do not explicitly teach the telephone network element is part of a public switched telephone network. It would have been obvious to one of ordinary skill in the art at the time the invention was made that the telephone network element where the menu provided to a caller (Fig. 2b, caller 20) is within the public switched telephone network.

(10) Response to Argument

Regarding Appellant's statement (Brief, page 5) that "... *The portion of Contractor cited by the Examiner discloses providing a routing menu to a caller, which is the very action that Caveney is attempting to avoid.... it is improper to combine Contractor and Caveney...*", Examiner respectfully submits that is totally irrelevant.

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Examiner cited the secondary reference, Caveney, as evidence of the well-known feature of "detecting an originating dual-tone multi-frequency (DTMF) trigger in the telephone call; interrupting the telephone call to the first telephone number; receiving a second selection of one of the destination options in the telephone call; and routing the telephone call to a second telephone number corresponding to the second selection". For example, when a caller dials a number and a phone rings with no answer, the caller invokes a DTMF trigger, i.e. presses #, then the caller would be connected to a VRU that plays greeting and menu options for the caller again or goes back to the main menu without having to hang up the phone and dial again. Furthermore, in response to this argument, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Examiner is using Caveney for the teaching of only one specific telephony feature.

Regarding Appellant's statement (Brief, pages 5-6) that "...Contractor does not disclose providing a menu for routing a call to different locations associated with a family as recited in claim 1...", "The specification of the current application defines family members as blood relationships such as a parent of a child or legal relationships such as a legal guardian of a child...", Examiner respectfully submits that Contractor

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teaches providing a menu for routing a call to different locations associated with family of car dealerships (col. 5, lines 39-65). Appellant argues about "family members" (Appellant's claims) vs. "family of car dealerships" (see Contractor col. 5, lines 39-46). Appellant's specification defines family members as also being "legal relationships" such as a legal guardian; hence car dealers can be "related". Car dealers may possibly be blood related and may also have "legal relationship". Furthermore, this "definition" is not recited in the claims. In a telephony system, calls are routed to destinations (i.e. telephone numbers) whether the destinations are members of one family, workers in one company, or a family of dealers. The method and system deal with telephone numbers (destinations) and do not analyze blood or legal relationships of destinations. A list of destinations is a list of destinations. The system of Contractor may obviously be used by workers in a company, teachers in a school, members of a club, lawyers in a law firm, or family members. The specific environment and the specific blood and legal relationship between destinations (telephone numbers) do not concern the Contractor system. Appellant's arguments regarding "family members" vs. "family of car dealership" is utterly untenable and it is an absolute underestimation of the skill level and intelligence of a person of ordinary skill in the telephony art.

Regarding Appellant's statement (Brief, pages 7-8) that "... both Contractor and Caveney fail to teach providing a portion of a menu based on detecting an originating dual-tone multi-frequency trigger", Examiner respectfully disagrees. Contractor teaches providing a menu to a caller in a telephone call (col. 5, lines 54-55; col. 6, lines

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45-46; col. 7, lines 37-39), and Caveney teaches detecting a DTMF trigger in the telephone call after the detecting; receiving a second selection of one of the destination options and routing the telephone call to the desired selection (col. 4, lines 29-34). The combination of the two references teaches the claimed invention.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Quynh H. Nguyen

August 20, 2007

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Conferees:

Ahmad Matar

Supervisory Patent Examiner

Handwritten signature of Ahmad Matar in cursive script.

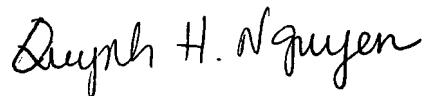
Fan Tsang

Supervisory Patent Examiner

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Quynh H. Nguyen

Primary Examiner

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